

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 17-1224

LAND OF LINCOLN MUTUAL HEALTH INSURANCE COMPANY

v.

UNITED STATES**DOCKETING STATEMENT**

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent LAND OF LINCOLN MUTUAL HEALTH INSURANCE COMPANY

Party is (select one) ☒ Appellant/Petitioner ☐ Cross-Appellant
☐ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and Case No. Court of Federal Claims , Case No. 16-744C Judge LettowDate of Judgment/Order November 10, 2016 Type of Case Tucker Act -- statutory/contractual duty to payRelief sought on appeal Reversal of COFC decision with determination that Lincoln is owed payment nowRelief awarded below (if damages, specify) Judgment for United States on Count I and dismissing Complaint Counts II-V

Briefly describe the judgment/order appealed from November 10, 2016 opinion and Order rejected Lincoln's claim that it was entitled to 2014 and 2015 Risk Corridors Payments now, as mandated by ACA Section 1342

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
☐ Rule 54(b)
☐ Interlocutory Order (specify type) _____
☐ Other (explain; see Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued

None at this time

Brief statement of the issues to be raised on appeal Whether COFC erred in finding that Lincoln was not owed risk corridors payments now for 2014 & 2015.

Have there been discussions with other parties relating to settlement of this case? ☒ Yes ☐ No If "yes," when were the last such discussions?

☐ Before the case was filed below?

☒ During the pendency of the case below?

☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not Policy issue relating to 14 pending cases

Provide any other information relevant to the inclusion of this case in the court's mediation program.

I certify that I filed this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this

29th day of November, 2016

by: filing the Docketing Statement using the CM/ECF system

(manner of service)

Daniel P. Albers

/s/Daniel P. Albers

Name of Counsel

Signature of Counsel

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